

3/16/21

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Hon. Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
40 Foley Square
New York, New York 10007

RECEIVED
SDNY PRO SE OFFICE
2021 MAR 29 PM 2:37

RE: Schutte v. BOP, 20 CV. 2795 (P66)(GWG)

Dear Judge Gorenstein:

I have received all missing court documents. Thank you very much. Enclosed herein is my amended complaint along with the completed consent form to proceed with the entire civil action under a magistrate judge.

I also wanted to address the government's March 1, 2021 letter wherein it claims to deliver all mail on time. This letter is a fraud upon this court — supported by clear evidence on the record. In my last letter, dated 2/25/21, I enclosed two letters from you postmarked 1/29/21 and 2/5/21 that were not received by me until 2/25/21; both letters were signed and dated on receipt by both myself and 10 South Unit Manager Reid. How does the government explain this month delay while it claims all mail is promptly delivered to me "within a few days of receipt?" If I received your 3/2/21 order 30 days after you mailed it then I would have missed the deadline before ever receiving it! THIS IS NOT DUE PROCESS.

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I provide this court with the envelope from its 3/2/21 Order postmarked 3/3/21 and initialed by 10South Unit Manager Reid and myself as delivered on today, 3/16/21 — a full two weeks late, not a mere "few days" as the government falsely claims. This two week delay is the shortest time it has ever taken for me to receive a letter from this Court — normally it takes 1-3 months — if at all. (not counting certified mail)

To further illustrate the government's fraud upon this Court, I have enclosed two additional envelopes; the first is AUSA Reddy's 9/24/20 letter postmarked on 9/26/20, initialed as received by MCC on 9/29/20, and finally initialed as delivered to me by Unit Manager Reid on 11/11/20. That's 44 days from MCC's receipt of the mail until it was delivered to me. NOT "a few days." The second is this Court's endorsement of AUSA Reddy's letter postmarked on 9/28/20, initialed as received by MCC on 9/30/2020, and finally initialed as delivered to me by Unit Manager Reid on 11/11/20. That's 43 days from MCC's receipt of the mail until it was delivered to me. NOT "a few days." 44 days is about the average it has taken mail received by MCC to reach me since the beginning of this civil suit nearly a year ago. The government has ~~deliberately~~ deliberately sabotaged and delayed this Court's mail from reaching me, then lied and perpetuated a fraud on this Court about it.

This delay issue is neither solved nor does it make it possible for me to litigate this case. Due to the unnecessary delays and frustrations caused to both me and you ~~and~~ and

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in light of the government's fraud, I again move this Court to 1.) Compel the MCC to stop forwarding Court Mail from the Courts, government, or clerks office to MCC SIS for review - there is no legitimate penological interest in opening and reading INCOMING COURT MAIL TO ME. What is MCC reading your letters to me for? In case you mail me a bomb? In case you send me drugs? It's just idiotic government bureaucracy that has no basis in law, and accomplishes nothing but deliberate delay; and 2.) Compel the MCC to log all Court Mail once I receive it, just as it does for legal and Certified Mail. (The Courts 3/12/21 Certified Mail containing all the missing documents was initiated into a logbook by MCC staff and myself when I received it this morning, 3/16/21). Neither condition is burdensome, and in light of the government's year delay of this case already and its duplicitous fraud upon this Court, both are necessary.

Thanks,

Josh Schulte

Josh Schulte

pro se plaintiff

3/16/21

P.S.

I Can ask them for another scan of the envelopes if insufficient

CLERK OF COURT
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
COURTHOUSE - 500 PEARL STREET
NEW YORK, NY 10007

OFFICIAL BUSINESS

Postmark: 9/28/20

Opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.19

LEGAL MAIL

SPECIAL MAIL - OPEN ONLY
PRESENCE OF INMATE

Joshua Adam Schulte
Reg. No. 79471-054
MCC New York
150 Park Row
New York, NY 10007

LOS
9/30/20

RCUD

ALREADY OPENED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
COURTHOUSE - 500 PEARL STREET
NEW YORK, NY 10007

OFFICIAL BUSINESS

Provisional
3/16/21

Notice: Opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.19

Postmark: 3/3/21

Joshua Adam Schulte
Reg. No. 79471-054
MCC New York
150 Park Row
New York, NY 10007

South SAMS

APPROVED

RCUD

3/16/21

for Schulte

10007-1704 0017

Notice: Opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.19

Postmark: 9/26/20

Joshua Schulte
No. 79471-054
MCC New York
150 Park Row
NY, NY 1007

9/29/20

RCUD 11/11

ALREADY OPENED

for Schulte

Legal Mail

10007-170450